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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,798	08/02/2000	Koji Hatanaka	35.G2637	7871

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EXAMINER

TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 11/06/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/630,798

Applicant(s)

HATANAKA, KOJI

Examiner

Gregory G Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is a first office action in response to application filed, with the above serial number, on 02 August 2000 in which claims 1-29 are presented for examination. Claims 1-29 are therefore pending in the application.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Image transfer processing according to transfer history.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The detailed description of the Invention fails to have proper antecedent basis for the claim terminology of an "image processing apparatus".

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 4, 11, 18, and 25 recite the limitation "said display means/step" in line 2.

There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4, 6-11, 13-18, 20-25, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Pavley (hereinafter "Pavley", 6,445,460).

9. As per Claims 1, 15, and 28, Pavley discloses an image processing apparatus, an image processing method, and a storing medium, storing computer-readable programs for realizing an image processing method, wherein Pavley discloses:

reading means for reading a plurality of images from a storing medium along with transfer history information of images to other apparatuses (archive file attribute) (at least col. 4, lines 1-6; col. 5, lines 30-45); and

transfer means for transferring images to other apparatuses (at least col. 5, lines 45-60; col. 6, lines 10-24);

wherein said transfer means contains control means having a first mode for making reference to said transfer history information and performing batch transfer of

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images not transferred to other apparatuses (auto image transfer according to archive attribute) (at least col. 6, lines 3-24).

10. As per Claims 2, 9, 16, and 23.

selecting means for selecting images to be transferred (at least col. 1, lines 25-30; col. 6, lines 3-24);

wherein said control means is capable of arbitrarily switching between:

a second mode for transferring images selected by said selecting means (manual option and not using rule) (at least col. 1, lines 25-30; col. 6, lines 3-24); and

said first mode (at least col. 1, lines 25-30; col. 6, lines 3-24).

11. As per Claims 3, 10, 17, and 24.

display means for displaying read images, wherein said display means changes the order of image display, according to said transfer history information (displaying images chronologically according to attribute) (at least col. 4, lines 7-20; col. 5, lines 25-45).

12. As per Claims 4, 11, 18, and 25.

wherein said display means displays only images not transferred, according to said transfer history information (displaying those images not deleted) (at least col. 4, lines 7-20; col. 5, lines 25-45; col. 6, lines 3-9).

13. As per Claims 6, 13, 20, and 27.

wherein, in the event that transfer history information of an image to be deleted exists in a file storing said transfer history information, the transfer history information corresponding to that image is deleted according to deletion of said image to be deleted

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(deleting image file and inherently associated attribute with file) (at least col. 5 line 39 - col. 6 line 9).

14. As per Claims 7 and 21.

imaging means (at least col. 5, lines 43-60; Fig. 1); and

recording means for recording images taken by said imaging means on said storing medium (digital camera) (at least col. 5, lines 43-60; Fig. 1).

15. As per Claims 8, 22, and 29, Pavley discloses an image processing apparatus, an image processing method, and a storing medium, storing computer-readable programs for realizing an image processing method, wherein Pavley discloses:

reading means for reading transfer history information of images to other apparatuses from a storing medium (archive file attribute) (at least col. 4, lines 1-6; col. 5, lines 30-45); and

capturing means for capturing images from said storing medium (at least col. 5, lines 45-60; col. 6, lines 10-24);

wherein said capturing means contains control means having a first mode for making reference to said transfer history information and performing batch capturing of images not transferred to other apparatuses (auto image transfer according to archive attribute) (at least col. 6, lines 3-24).

16. As per Claim 14.

wherein said image processing apparatus is a host computer (desktop computer running rules) (at least col. 5, lines 46-60; col. 6, lines 25-43).

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***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 5, 12, 19, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley.

Pavley fails to explicitly disclose wherein said transfer history information is recorded in a file separate from the image. However, OFFICIAL NOTICE is taken that such separate files could be used to describe the image. Pavley discloses the file attributes as being metadata common with many operating systems (at least col. 5, lines 25-45) with his ultimate goal of conserving time by automatically transferring non-transferred images. By using file attributes, the entire image does not need to be processed however, and thus an operating system can easily search multiple files by their attribute type and thus be centrally managed as well. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of another file as having archiving history as this would enhance Pavley's system as having an alternative to using file attributes and lead to Pavley's ultimate goal of an automatic and fast image transferal system.

***Conclusion***

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19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peairs et al, Manolis et al, Anderson et al, Dwyer et al, Dow et al, Shiota et al, Loui et al, Kunishige and Fichtner are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

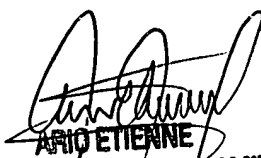
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Gregory Todd



Patent Examiner

Technology Center 2100



**ARIO ETIENNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**